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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,275	12/30/2003	Robert A. Luciano	10407/989	9180
30076	7590	01/24/2006	EXAMINER	
BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP			HSU, RYAN	
1880 CENTURY PARK EAST			ART UNIT	
12TH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90067			3714	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,275

Applicant(s)

LUCIANO ET AL.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 10/28/05, claims 1, 20, 33, and 44-46 have been amended and claim 32 has been canceled without prejudice. Claims 1-31 and 33-46 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 17-22, 25-31, 33-35, 37-42, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms (US 5,277,424) and in view of Congello, Jr. (US 6,296,569 B1).

Regarding claims 1, 20, 22, 33, and 41, Wilms teaches a gaming device and method of operation that allows a player to add a value to a gaming device. The device is able to process the insertion of multiple denominations of bills and coins (*see col. 2: ln 25-35*). Wilms teaches a gaming system that converts the entered currency into a credit equivalent, displayed on the game machine and determined the number of full and partial credits represented by the value added by the player by dividing the value added by the player by a credit value (*see col. 3: ln 1-17, col. 4: ln 22-33*). Wilms teaches this ability of fractional units in its RESERVE indicator [18]. Additionally, Wilms teaches a controller that is in communication with the value acceptor so that the machine may be notified whether enough credits exists for a player to operate the machine (*see col. 7: ln 59-col. 8: ln 2*). Furthermore, Wilms allows the player to select the denomination to be

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represented for a wager. Wilms teaches that a game of wagering (*ie: five-card draw poker*) as a possible embodiment where the player may make a wager and play the gaming device (*see col. 2: ln 42-54*). However, Wilms lacks in teaching the ability to wager both partial credits and full credits.

In an analogous gaming reference, Congello, Jr. teaches the implementation of a user to purchase fractional denomination game tickets. Congello teaches the ability to allow a user to place any denomination bets, which will result in a fractional payoff with relation to the typical full credit bet system. Congello teaches that one would be motivated to implement this type of system in order to allow customers to convert change or loose coins into fractional game tickets. This would allow users that do not have a desire to play a large denomination to participate in a lottery type game therefore increasing the amount of money that is played on the game machines (*see col. 1: ln 60-col. 2: ln 7*). Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to incorporate the fractional denomination betting taught in Congello, Jr. with Wilms to allow implement a game machine that allowed fractional betting (*see Fig. 2 and the related description thereof, col. 5: ln 4-17*).

Regarding claims 2 and 21, Wilms teaches the use of casino markers or vouchers, which represent different values of credit (*see col. 5: ln 1-27*). These values are added to a players account in the form of vouchers wherein the gaming machine may determine the value of the voucher and convert it to the proper number of credits from the selected wager denomination.

Regarding claims 4-6, Wilms teaches a method of wagering wherein a player may select the credit value. Wilms states that if the player's account has less than the credit

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value the player is prompted to either change the credit value to a lower denomination or to add money to the users account (*see col. 7: ln 59-col. 8: ln 15*).

Regarding claim 7-9, 27-29, 40 and 45-46, Wilms teaches a gaming machine wherein the partial credit value is stored to be displayed by the RESERVE indicator [18]. Wilms also states that the full and partial credits are displayed to the player through the CREDIT [16] and RESERVE [18] indicators. The player may wager these credits at any time (*ie: through the variability of modifying the wagered value*) (*see col. 6: ln 40-67, col. 7: ln 10-18, col. 7: ln 30-56*).

Regarding claims 10-11, Wilms teaches the partial credits as decimals which are inherently fractions as a decimals are a linear array of digits that represent a real number. Decimals typically indicate a negative power of 10 (*ie: $10^{-1} = 0.1 = 1/10$*) (*see FIGS. 3-5 and the related description thereof*).

In regard to claims 12-13 and 30, Wilms' gaming device allows for the user to change the first selected credit value to a second credit value between rounds of play in the game of chance. The gaming device will then readjust the CREDIT and RESERVE indicators to correspond with the new value per credit (*see col. 6: ln 25-39*).

Regarding claim 17-19, 25, and 44, Wilms comprises setting an increment rate by which the player can increase and decrease the credit value. Additionally, the value added by a player is in a first currency and the full and partial credits may be represented in a second currency (*see col. 7: ln 30-57*). Furthermore, Wilms allows a value to be added by the player is in a currency and the partial credits have a value other than a standard denomination in which the currency is issued or an integral multiple thereof.

Regarding claim 26, Wilms teaches a default credit value that is assigned if the player does not define a new credit value (*see col. 5: ln 28-46*).

With reference to claims 3 and 31, Wilms teaches a gaming machine that allows for one to one to place currency into a gaming machine and have variable denominations to wager and display in CREDITS and RESERVE credit (*ie: partial credits*). As disclosed in Wilms these partial credits may also yield winnings and may be wagered (*ie: when the denomination is lowered below the credit value*) (*see col. 6: ln 3-39*). However, although Wilms allows the ability to change the denomination and allow the RESERVE credit to be wagered it lacks in teaching the ability for one to vary the RESERVE amount wagered beyond the pre-existing limitations created by the programmer of the gaming device.

However, in an analogous gaming patent, Congello teaches the ability to offer users a fractional denomination game wager. Congello teaches that one would be motivated to allow the use of partial credits in order to allow for the user to fully utilize their resources when using a wagering system (*see col. 5: ln 5-17*). Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Congello with Wilms to incorporate partial credit wagering.

With reference to claim 14, 34-35 and 42, Wilms teaches a gaming machine where the full credits and partial credits are modified depending on the value of the credit as selected by the user. As a result the player may wager the full credits and partial credits at any time depending on the selection of the user (*see col. 5: ln 28-53*). One would be motivated to offer selections in the wagering denominations to allow for all currency to be adapted in order to allow for the user the ability if they wish to wager their

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full amount associated with the player account. As disclosed in Wilms the denominations can easily be programmed to fit the appropriate needs of the system to increase or decrease by predetermined amounts. Additionally, Wilms indicates that the predetermined amounts to increase and decrease could be programmed into the system to adjust by a predetermined factor. Wilms offers the adaptability of this feature in order to offer different ranges for example from 5 cents to \$1.00 which if multiplied by a factor of 100 could adapt it to \$5.00 to \$100.00. If one were limited to only 20 cents to wager the system disclosed in Wilms could be multiplied by a factor of 4 to provide a range of \$0.20 to \$4.00 (*see col. 6: ln 40-col. 7: ln 15*). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the system to be programmed so that all of the partial credits and for non-standard denominations to be wagered (*see col. 7: ln 30-50*).

Claims 37-39, Wilms teaches a game machine that comprises a casino marker acceptor and dispenser, which is analogous in the gaming art to a voucher. Therefore it would be a simple matter of design choice for one of routine skill to modify Wilms to allow the use of voucher certificates as opposed to casino markers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilms in order to allow for a user to implement a voucher acceptor and printer instead of the casino markers used (*see col. 5: ln 4-27*).

Claims 15-16, 23-24, 36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms and Congello, Jr. as applied to claims above, and further in view of Skratulia (US 5,690,335).

With reference to claims 15-16, 23-24, 36 and 43, Wilms and Congello teach a game machine that allows the use of a full and partial credits in a wagering game as discussed above and incorporated herein. However, Wilms and Congello lack in specifically disclosing a maximum and minimum credit value for wagering within its game machine. However, it is understood in the gaming arts that casinos will typically setup minimum and maximum wagers in order to cater to the target clientele. In Skratulia, he teaches the use of an analogous method of playing a wagering game (*see col. 3: ln 20-40*). Skratulia discloses that it would be an obvious matter of design choice for the establishment to set the maximum amount and that gaming machines are typically adaptable and may be modified to fit the maximum and minimum bets that the casino would like to implement in their machines. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Skratulia with Wilms in order to allow the gaming machine in Wilms to include a minimum and maximum wager amount.

Claim 37, Wilms discloses a controller that is configured to allow the game operator to set an increment value by which the credit value can be raised or lowered (*see col. 7: ln 30-50*).

Response to Arguments

Applicant's arguments, see Section 2: Claim Rejections under 35 USC 112, first paragraph: Claims 4-6 and 27-29, filed 10/28/05, with respect to the enablement requirement have been fully considered and are persuasive. The rejection made by the Examiner has been withdrawn.

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Applicant's arguments with respect to claims 1-31 and 33-46 have been considered but are moot in view of the new grounds of rejection. The amendments made to independent claims 1, 20, 33, and 41 incorporated the ability to handle partial and full credit wagering at the same time. Wilms was silent with regard to this feature therefore Congello, Jr. was brought in to teach the use of full and partial credit wagering in a gaming environment. Therefore changing the scope of the claims as discussed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saunders (US 6,280,326 B1) – Cashless Method For a Gaming System.

Biffar (US 5,903,880) – Self-Contained Payment System with Circulating Digital Vouchers.

Webb (US 6,702,673 B2) – Fractional Payoff and Competitive Wagering

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148.

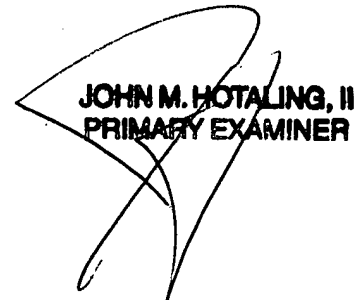
The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RH
January 19, 2006



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PRIMARY EXAMINER